

# THE ADAIR COUNTY NEWS.

VOLUME 6

COLUMBIA, ADAIR COUNTY, KENTUCKY, WEDNESDAY, DECEMBER 24, 1902.

NUMBER 7.

## POST OFFICE DIRECTORY

J. M. RUSSELL, Postmaster.  
Office hours, week days 7:00 a. m. to 9:30 p. m.

## COURT DIRECTORY.

**Circuit Court**—Three sessions a year—Third Monday in January, third Monday in May and third Monday in September.  
Circuit Judge—W. W. Jones.  
Commonwealth's Attorney—N. H. W. Aaron.  
Sheriff—F. W. Miller.  
Circuit Clerk, J. B. Colley.

**County Court**—First Monday in each month.  
Judge—T. A. Murrell.  
County Attorney—Jas. Garnett, Jr.  
Clerk—T. B. Stiles.  
Jailer—J. K. P. Conover.  
Assessor—R. W. Burton.  
Surveyor—R. T. McCallister.  
School Supt.—W. D. Jones.  
Coroner—C. M. Russell.

**City Court**—Regular court, second Monday in each month.  
Judge—T. O. Davidson.  
Attorney—Gordon Montgomery.  
Marshal—J. W. Coy.

## CHURCH DIRECTORY.

### PRESBYTERIAN.

**BURNSVILLE STREET**—Rev. pastor. Services second and fourth Sunday each month. Sunday-school at 9 a. m. every Sabbath. Prayer meeting every Wednesday night.

### METHODIST.

**BURNSVILLE STREET**—Rev. pastor. Services first Sunday in each month. Sunday-school every Sabbath at 9 a. m. Prayer meeting Thursday night.

### BAPTIST.

**GREENSBURG STREET**—Rev. pastor. Services first Sunday in each month. Sunday-school every Sabbath at 9 a. m. Prayer meeting Tuesday night.

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### LODGES.

#### MASONIC.

**COLUMBIA LODGE, No. 96, F. and A. M.**—Regular meeting in their hall, over bank, on Friday night or before the full moon in each month. Jas. Garnett, Jr., W. M. G. A. Kemp, Sec'y.  
**COLUMBIA CHAPTER, R. A. M., No. 7**, meets Friday night after full moon.  
J. E. Murrell, H. P.  
W. W. Bradshaw, Secretary.

**Dr. W. B. Armstrong,**

**Dentist**

Wimble Building, Russell Springs, Ky.

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## THE ELASTICITY

### OF THE FEDERAL CONSTITUTION.

#### AN INTERESTING DOCUMENT.

The following is the Four Hundred Dollar prize essay written by Prof. T. A. Baker, while at Columbian University, Washington, D. C., June 1902.

[CONTINUED FROM LAST WEEK]

The elasticity of the Constitution resides largely in the incidental or implied powers, and it is in reference to their exercise that most of our constitutional controversies have arisen. A liberal construction has been given of the grants of power to the general government, and this, in view of our history, seems to have been necessary. Otherwise we could never have met and adapted ourselves to the varying conditions of our growing civilization: nor could we have accomplished the purpose of the Constitution,—to form a more perfect union, to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty. In reaching these results through the exercise of the powers of government under the grants given to it by the people, we can understand that there is room for construction and for discretion upon the part of the agencies employed for the purpose. This elasticity does not, however, involve an unlimited right of construction, nor a stretching of a power beyond legitimate bounds. We have thus far in our history solved all constitutional questions that have arisen, but it does not follow that it is, *Procrustean* like, able to fit every conceivable case that may occur in the future. Should an emergency ever arise, however, when this cannot be done, it provides a manner by which it can be amended without a resort to revolutionary measures.

Our history abounds in controversies involving questions of Constitutional construction, growing, out of the implied powers of government. Happily for our country, although heated discussions have often occurred in dealing with the questions that have arisen, and in fixing the limits of power, wise and just conclusions have most generally been reached without doing violence to the letter or spirit of the organic law.

There is no express grant of a power to Congress to exact an embargo law, yet as early as 1807 such a law was placed upon the Statute books, and was enforced by the proclamations of more than one of our presidents. It was bitterly denounced as unconstitutional by the people of the New England States, where it worked great hardship, reducing, as Mr. Webster said, thousands to beggary. The courts, however, upon a case presented, declared it constitutional under the power of Congress to regulate commerce. It was insisted that, as it was unlimited as to time, it did not regulate, but destroyed commerce, and therefore was an unwarranted exercise of power by Congress.

We have Military and Naval schools, where our young men are educated and trained for soldiers and sailors at government expense. These institutions have been fostered and sustained without question by all the administrations, although there is no express mention of them in the Constitution. But the power to declare war, to raise and support armies, to provide and maintain a navy, would involve the proper training of men to command our soldiers and man our vessels.

President Washington, in one of his State papers, suggested, if he did not recommend, national aid to the cause of general education.

The subject of government aid to works of internal improvements created much discussion at an early day, and about it public sentiment was very much divided. Mr. Monroe, while President, prepared a very elaborate paper against the exercise of the power by the government. It is now, however, generally recognized as one of the incidental powers, and may be undertaken as an incident to the power to regulate commerce, under which is embraced navigation, to lay and collect taxes, to establish post offices and post roads, to make war, as it may be con-

duce to the particular end to be accomplished.

It exercises this right in clearing rivers of obstructions, improving harbors, erecting forts, light houses, piers, building custom houses, etc. In modern day it is not whether it shall be done, but who shall get the benefit of it, and it may be, in the scramble, the boundary line between national and local purposes is sometimes crossed or forgotten by a Representative who is much in love with his constituency and in a mood for dalliance.

Indeed, this incidental power in aid of so many express grants and in connection with that to lay and collect taxes, duties, import and excises; to pay the debts and provide for the common defense and general welfare of the United States, opens a broad field for legislative discretion, as can be seen by the perusal of a modern Congressional appropriation bill. Its study will also in some small degree enable one to comprehend the length and breadth and depth of the meaning of the words "common defense and general welfare."

Tariff laws have been the source of much controversy, and have led to wide divergence of opinion among public men. Parties have divided upon them since the early days of the government.

The Constitution has given to Congress the right of raising revenue, and of determining the sum the public exigencies will require. How far it can go in this direction was the question raised by South Carolina in its celebrated ordinance declaring certain laws of the United States for the imposition of duties and imports on the importation of foreign commodities unconstitutional and "null and void." Although the right of nullification was strenuously claimed at that time by men of great ability, yet we suppose that very few can now be found who sustain that view.

The arguments advanced by Mr. Webster in his debate with Senator Hayne, and by President Jackson in his proclamation to the nullifiers of South Carolina are so convincing in their logic as to leave no room for doubt of the supremacy of the laws of the United States enacted in pursuance of the Constitution, and that the States are not the tribunals to judge whether or not a law is constitutional. However men may have differed the views they expressed are now very generally accepted, and our laws are framed accordingly, so that at the present time the importance of tariff duties involves more questions of policy than of constitutional rights.

The reciprocity feature of this class of legislation, growing more and more important, may do much to remove the differences, even of policy, which have heretofore existed, while it may not in any degree lessen the legislative discretion over the whole subject.

Our commerce has grown to such proportion; its arms, extended in so many directions, are so far reaching and employ so many instrumentalities, that it is difficult, if not impossible, to limit the discretion as to means for its regulation.

The spirit of discovery and invention are constantly introducing new agencies and appliances to those already at work. So vast and complicated are the interests involved that in recent years Congress has established an Interstate Commerce Commission to consider and adjust matters that may be brought before it, and a Department of Commerce seems to be regarded as a necessity of our near future. The power to regulate commerce comprehends navigation and intercourse, foreign and domestic, and all of the instrumentalities necessary and useful for the purpose, and it is sometimes exercised for revenue, for prohibition, for retaliation, for reciprocity, and either directly or incidentally to encourage and foster domestic manufactures and labor.

Although the Louisiana Purchase was made by President Jefferson, he expressed doubts as to its constitutionality; but the interests involved were too vital and urgent for delay, so he suggested that it should be passed over "softly" and an amendment secured for future convenience. In a note to Story on the Constitution it is said:

"President Jefferson himself (under whose auspices the treaty was made) was of opinion that the measure was unconstitutional and required an amendment of the Constitution to justify it. He accordingly urged his

friends strenuously to that course. At the same time he added that it will be desirable for Congress to do what is necessary in silence; whatever Congress shall think necessary to do should be done with as little debate as possible, particularly as far as respects the constitutional question. I confess then I think it important in the present case to set an example against broad construction by appealing for new powers to the people. If, however, our friends shall think differently, I shall acquiesce with satisfaction, confiding that the good sense of the country will correct the evil of construction when it shall produce evil effects."

No amendment was secured, and in view of our subsequent history, none was needed. The right followed as an incident of the powers to declare war and make treaties. Since that time we have acquired Florida, Texas, Alaska, and other territories and islands, in all embracing an area of 2,500,000 square miles or more, and it is believed, without any violence to the Constitution.

That the national government possesses sovereign jurisdiction over its territory, whether acquired by cession, treaty or conquest, cannot be questioned. The power to make war involves the right of conquest and of control of conquered possessions. It is an incident of national sovereignty, no matter how the acquisition may be made. As was said by Chief Justice Marshall in *1 Peters*,

"The Constitution confers absolutely on the government of the Union the power of making war and of making treaties; consequently the government possesses the power of acquiring territory, either by conquest or by purchase."

Questions affecting our relations to the newly acquired possessions, Porto Rico and the Philippine Islands, have already engaged the attention of the Supreme Court, and are engaging the attention of Congress; and whether there may be differences of opinion as to the manner of governing them, there is none as to the fact that they are under our control, and as to the right of the government under the treaty with Spain to control them.

Another subject which produced stormy debates and violent contentions was the United States Bank. The administration of President Jackson was sultry by reason of it. The Supreme Court sustained the constitutionality of the act creating the bank, President Jackson vetoed a bill passed by Congress to extend its charter, and his message to Congress of July 10, 1832, said, among other things:

"It is maintained by the advocates of the Bank that its constitutionality in all its features ought to be considered as settled by precedent and by the decision of the Supreme Court. To this conclusion I cannot assent. More precedent is a dangerous source of authority and should not be regarded as deciding questions of constitutional power except when the acquiescence of the people and the States can be considered as well settled."

If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of the Government. The Congress, the Executive and the Court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the Supreme Judges when it is brought before them for judicial decision. The opinion of the Judge has no more authority over Congress than the opinion of Congress has over the Judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve."

[CONTINUED NEXT WEEK.]

#### FOR SALE.

My farm on Cumberland river, near Stokes, containing 110 acres in cultivation, well improved, one half mile from school house and P. O. There are about 100 fruit trees and plenty of good water. The house a new two story with six rooms; also all necessary outbuildings are on the farm.

J. J. Stokes

Stokes, Russell county, Ky.

I am now ready to receive bids for furnishing ties and poles for the electric railway from Columbia to Campbellsville.

W. K. AZELL,

Columbia, Ky.

#### PARSHIPS OF GENIUS

Milton sold his copyright of "Paradise Lost" for \$72, in three payments, and finished his life in obscurity. Homer was a beggar. Spenser died in want. Cervantes died of hunger. Dryden lived in poverty and distress. Terrence, the dramatist was a slave. Butler lived a life of penury and died poor.

Plautus, the Roman comic poet, turned a mill. Paul Gorbese had 14 trades, yet starved with it all.

Tasso, the Italian poet, was often distressed for a dollar. Otway, the English dramatist, died prematurely and through hunger. Bacon lived a life of meanness and distress.

Steele, the humorist, lived a life of perfect warfare with bailiffs. Sir Walter Raleigh died on the scaffold.

The death of Collins was through neglect, first causing mental derangement.

Chatterton, the child of genius and misfortune, destroyed himself at 18. Savage died in a prison at Bristol, where he was confined for a debt of \$40. Goldsmith's "Vicar of Wakefield" was sold for a trifle to save him from the grip of the law.

#### WHAT'S A KISS.

"What's a kiss, anyhow?" Someone once asked, and seven thousand people, more or less, replied as they were moved. Here are a few things that a kiss is:

Nothing, divided between two. Not enough for one, just enough for two, too much for three.

The only really agreeable, two-faced action under the sun, or the moon either.

A woman's most effective argument, whether to cajole the heart of a father, control humors of a husband, or console the griefs of childhood.

A kiss from a pretty girl is like having hot treacle poured down your back by angels.

Printing without ink; leaving no visible impression.

Contraction of the mouth due to enlargement of the heart.

An article that is always accepted and (m) printed, but not always published.

A gift which is sometimes expected seldom rejected, though often returned.

A tonic which may be administered with safety in childhood, but with great caution when childhood is past.

A kiss once given is never lost. It can be restored.

#### DON'T WORRY.

Worry is the father of insomnia. Worry is forethought gone to seed. Worry is discounting possible future sorrows so that the individual may have present misery.

Worry is not one large individual sorrow, it is a colony of pretty vague, insignificant, restless imps of fear, that become important only from their combination, their constancy, their iteration.

Worry is the traitor in our camp that damps our powder, weakens aim; under the guise of helping us to bear the present and to be ready for the future, worry multiplies enemies within our mind to sap our strength.

Worry must not be confused with anxiety, though both words agree in meaning originally, a "choking," or a "strangling," referring, of course to the throttling effect upon individual activity. Anxiety faces large issues of life seriously, calmly, with dignity. Anxiety always suggests hopeful possibilities; it is active in being ready and devising methods to meet the outcome, says Home Notes.

Worry is the dominance of the mind by a single, vague, restless, unsatisfied, fearing and fearful ideas. The mental energy and force that should be concentrated on the successive duties of the day is constantly and surreptitiously abstracted and absorbed by this one fixed idea.—Ex.

The Secretary of the Treasury will not take any steps to relieve the financial stringency in Wall street at present. It is not thought by Washington officials that the present conditions affect the general prosperity of the country. The officials believe that Wall street financiers are able to cope with the situation without the Government adding to its deposits in New York banks.

#### THEY PAY THE FREIGHT.

Two old pals met on the street.

"I saw you in the liquor men's parlor Tuesday," one of them said.

"Oh, yes."

"Now, you tell me about it. Who were those fellows in front of horses?"

"Those? Why, those were the wholesalers."

"Well, who were those fellows in carriages?"

"Those fellows in plug hats smoking the big black cigars?"

"Yes."

"They are the distillers and brewers."

"Who were those fellows walking there with the white plug hats, white coats and gold head canes?"

"They were the retailers."

"Who were those fellows that brought up the rear?"

"Fellows with cauliflower noses and fringe on their pants—the crowd I was with?"

"Yes."

"Oh, they were the consumers."—Denver Post.

#### OLDEST MAN IN KENTUCKY.

"Uncle" Ples Warf, of Marshall county, is the oldest man in West Kentucky, if not in the South:

The Benton Democrat says:

"Old 'Uncle' Ples Warf, who now lives at the county poorhouse at Glade is 121 years old. He says his father was in the siege of Yorktown, Va., in 1781, which battle closes the Revolutionary war. 'Uncle' Ples claims his parents always told him he was born on the day the battle was fought, October 19, 1781. Mr. Warf moved to this county from Virginia forty years ago and lived for many years in the Magness section of the county until five years ago, when he became unable to work and was sent to the county poorhouse where he could be cared for. His wife died a year or two before he was sent to the poorhouse, thus leaving him old, lonely, and in the way, as he had no relatives in this country. He has been an honest hard-working and quiet citizen, having never made any pretensions religiously until recently, he having been baptized last Thursday by Eld. W. A. Uley, who has just closed a very successful meeting at Glade. The old gentleman was so feeble that he was carried into the water in his easy rocking chair. So the Christian church at Glade has the distinction of having the oldest member of any church in the county."

#### A SMORY OF NAPOLEON.

A story of sudden rage into which Napoleon fell one day just as he sat down to dinner. He had scarcely partaken of a mouthful when apparently some inopportune thought or recollection stung his brain to madness, and reeling from the table without rising from his chair he uplifted his foot—dash! went the table, crash! went the chair, and the emperor, springing up, paced the room with rapid strides. Dunand, his attendant, looked on, and, quick as thought, the wreck was cleared away an exact duplicate of the dinner appeared as if by magic and its presence was quietly announced by the customary, "His majesty is served." Napoleon felt the delicacy of his attendant and said: Thank you, my dear Dunand," with one of his inimitable smiles. The hurricane had blown over.—Ex.

#### WHAT WILL EARLY SAY.

Gen. Fitzhugh Lee, who distinguished himself in the confederate service, and is now on the regular army retired list as a brigadier general, recently went on a visit to West Virginia. While there he met an old comrade in arms whose reception was somewhat frigid.

"Well what's the matter?" said Lee.

"Oh, nothing much," was the reply.

"There is something wrong," persisted the General. "Out with it! What do you want?"

After being strenuously urged the old comrade said, "Well I want to die at least half an hour before you do. I want to be in the other world when you arrive there just to hear what General Jubal Early will say when he sees you in a blue uniform."

Secretary Hay has requested the Columbian representative at Washington to ascertain as soon as possible that country's price set for the territory to be leased for the isthmian canal. The government at Washington is desirous of hastening the delayed treaty negotiations, especially in view of the Venezuelan crisis.

#### DID HE TELL A LIE.

How could he have told a lie when he never spoke a word? But the teacher's back was turned. He reached over and stuck a neighbor with a pin. The teacher heard a shuffling noise and turned around. He was not out of order at all; but was studying the map of China very hard. Did he tell a lie?

Sister Susie lost her doll one day. She hunted for it high and low, but no doll could she find. He helped her to search for it in every nook and corner possible, and seemed sorry that it could not be found. He had hidden it in an old stove pipe in the garret. Did he tell a lie?

Uncle Tom and Aunt Mary had come to take dinner at his home. All were ready to enjoy a good dinner, when to the surprise of his good mother the vegetables had been sweetened and the coffee and pudding salted. Who was to blame but Bridget. He had carelessly that very morning emptied the salt sugar into the sugar crock, and the sugar bag into the salt jar. He saw the look of disappointment on his mother's face, but did not explain. Did he tell a lie?

One morning Bridget ran breathlessly into the room saying, "Sure, and Ned, the arrant boy has left the gate open and the cows have eat all the garden." He was washing his face at the time. He heard the complaint, and knew that Ned was innocent, yet he did not speak a word. Did he tell a lie?

What do you think? Cannot both boys and girls tell lies without speaking a word? And do they not thus really break the ninth commandment as given above.—Selected.

#### WILBUR SMITH'S COLLEGE.

Teachers, Clerks, and Farmer boys should pursue the Business Shortland and Typewriting or Telegraphic course at Wilbur Smith's Business College, Lexington, Ky. He refers to 10,000 success graduates. Kentucky University diploma under seal awarded his graduates. Over 500 students from 20 states this year. The demand for his graduates at this time to fill positions exceed the supply. This College has not been closed a week day in 27 years. Students can begin at any time. Cost reasonable. If you have any idea of attending a Business College this winter or spring, write immediately for a large illustrated catalogue to W. R. Smith, Lexington, Ky.

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